REMARKS

I. General

Claims 9-17 and 21-29 are pending, and 9-17 and 29 are rejected by the Office Action mailed January 25, 2006. Claims 13 and 29 are amended. The issues in the current Office Action are as follows:

- The Specification is objected to.

- Claims 9-17 and 21-29 are rejected for obviousness-type double patenting over claims 1-15 of US 6,654,908.

- Claim 29 is objected to for informalities.

- Claims 15 and 16 are objected to for depending from rejected base claims.

- Claims 23 and 13 are rejected under 35 U.S.C. §112, second paragraph.

- Claims 9 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by US 5,247,684 (hereinafter, *Tavares*).

- Claim 29 is rejected under 35 U.S.C. §102(e) as being anticipated by US 6,516,429 (hereinafter, *Bossen*).

- Claims 11-14 are rejected under 35 U.S.C. §103(a) as being obvious over *Tavares*.

- Claim 17 is rejected under 35 U.S.C. §103(a) as being obvious over *Tavares* in further view of US 5,941,996 (hereinafter, *Smith*).

- Claims 21-28 are allowed.

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the amendments and remarks contained herein.

II.   Amendments to the Specification

The specification is amended to include as its first sentence a claim for priority to US Patent Application 09/563,019. Since the claim for priority was originally submitted with the filing of the present application, no new matter is added.

III.   Amendments to the Claims

Claim 13 has been amended to recite, in part, "if said second data value matches the first data value stored in said second register." Because the amendment merely corrects a typographical error, no new matter is added. This amendment does not narrow the scope of the claim, nor is it in response to any art.

Claim 29 is amended to recite, in part, "wherein the status is one of clear and error." Because the amendment merely corrects a typographical error, no new matter is added. This amendment does not narrow the scope of the claim, nor is it in response to any art.

IV.   Objections to the Specification

The Specification is objected to for failure to include a claim for priority to US Patent Application 09/563,019. It is believed that the objection is in error, as the claim for priority was included in the Transmittal submitted with the present application on September 22, 2003. Specifically, the Transmittal contains a request to amend the Specification to include a cross-reference and claim for priority to US Patent Application 09/563,019. Thus, it is believed that the claim for priority was submitted properly, and, therefore, there is no need for a petition under 37 C.F.R. §1.78(a) or its associated surcharge. However, for the convenience of the Examiner, Applicant includes an amendment to the Specification herewith. Accordingly, the recognition of the claim for priority and withdrawal of the objection to the specification are respectfully requested.

V.   Objections to the Claims

Claims 15 and 16 are objected to for depending on a rejected base claim, but are otherwise indicated as including allowable subject matter. Applicant thanks the Examiner for the cooperation and consideration shown thus far. As shown below, claim 9, from which

claims 15 and 16 depend, is allowable also. Accordingly withdrawal of the objection to claims 15 and 16 is respectfully requested.

Claim 29 is objected to for an informality. Applicant has amended claim 29 to recite, in part, "wherein the status is one of clear and error." Accordingly, withdrawal of the objection to claim 29 is respectfully requested.

VI.   Double Patenting Rejection

The currently-pending claims are rejected for obviousness-type double patenting over claims 1-15 of US 6,654,908. Applicant proposes filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) if the Examiner's rejections still properly stand upon indication that the claims of the present application are otherwise allowable. Applicant notes that future amendments to the claims, if any, of this present application may result in the withdrawal of this rejection.

VII.   Claim Rejections Under 35 U.S.C. §112

Claims 23 and 13 are rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, claim 23 is rejected for a lack of antecedent basis for the term, "said error data." Claim 13 is rejected for a lack of antecedent basis for the term, "the value."

It is believed that the rejection of claim 23 is in error, as "said error data" refers to the error data recited in claim 22, from which claim 23 depends. Thus, it is believed that there is proper antecedent basis. Claim 13 has been amended to recite, in part, "if said second data value matches the first data value stored in said second register." Accordingly, withdrawal of the 35 U.S.C. §112 rejection of claims 23 and 13 is respectfully requested.

VIII.   Claim Rejections Under 35 U.S.C. §102

A.   Rejections over *Tavares*

On pages 9-10 of the Office Action, claims 9 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by *Tavares*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, *See* M.P.E.P. § 2131. Moreover, in order for an applied reference to be

anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Tavares* does not teach every element of the claims.

Claim 9 recites, in part, "storing, in response to a first condition of a flag, (i) said incremented count value in a second register." *Tavares* does not teach this feature at least because it does not teach storing an incremented count value in response to a condition of a flag. The Office Action cites either the update-counter register designated register (U) (hereinafter, "register (U)") or the old (U) register to teach the claimed second register. Office Action at 10. However, neither register (U) nor old (U) store an incremented count value in response to a condition of a flag. Register (U) is set equal to the update counter at the beginning of a read operation. *Tavares* at Col. 5, lines 23-25. In other words, register (U) does not store in response to a condition of a flag—it is always set at the beginning of a read operation. Similarly, old (U) is always set at the end of a read operation, and, thus, does not store in response to a condition of a flag. *See id.* at Col. 5, lines 63-65. Since neither the register (U) nor old (U) perform "storing, in response to a first condition of a flag ... said incremented count value in a second register," *Tavares* does not teach this feature of claim 9.

Dependent claim 10 depends from independent claim 9 and, thus, inherits all of the limitations of independent claim 9. Thus, the cited combination does not teach all claim limitations of claim 10. It is respectfully submitted that dependent claim 10 is allowable at least because of its dependence from claim 9 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 9 and 10.

B.   Rejections over *Bossen*

On pages 10-11, claim 29 is rejected under 35 U.S.C. §102(e) as being anticipated by *Bossen*. Applicant traverses the rejection.

Claim 29 recites, in part, "a tag register which stores the value of the count register if the status register is clear." *Bossen* does not teach this feature at least because it does not teach a tag register that stores a value of a count register. The Office Action cites the NVRAM of *Bossen* to teach the claimed tag register and the simple counter of *Bossen* to teach the claimed count register. However, the NVRAM does not store the value of a count register at least because *Bossen* teaches that the NVRAM stores the error itself rather than the value of the simple counter. *Bossen* at Col. 5, lines 50-52. Accordingly, *Bossen* does not teach "a tag register which stores the value of the count register if the status register is clear," as claimed in claim 29. Thus, withdrawal of the rejection of claim 29 is respectfully requested.

IX.   Claim Rejections Under 35 U.S.C. §103

A.   Rejections over *Tavares*

On pages 11-13 of the Office Action, claims 11-14 are rejected under 35 U.S.C. §103(a) as being obvious over *Tavares*. Applicant traverses the rejection.

As shown above, *Tavares* does not teach all elements of independent claim 9. Dependent claims 11-14 each depend from independent claim 9 and, thus, inherit all of the limitations of independent claim 9. Thus, *Tavares* does not teach or suggest all claim limitations of claims 11-14. It is respectfully submitted that dependent claims 11-14 are allowable at least because of their dependence from claim 9 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 11-14.

B.   Rejections over *Tavares* in view of *Smith*

On pages 13-14, clam 17 is rejected under 35 U.S.C. §103(a) as being obvious over *Tavares* in further view of *Smith*.

As shown above, *Tavares* does not teach all elements of independent claim 9. Dependent claim 17 depends from independent claim 9 and, thus, inherits all of the limitations of independent claim 9. Thus, *Tavares* does not teach or suggest all claim limitations of claim 17. The Office Action does not rely on *Smith* to cure the deficiency, nor does *Smith* cure the deficiency. Accordingly, the cited combination does not teach or

suggests all claimed limitations. It is respectfully submitted that dependent claim 17 is allowable at least because of its dependence from claim 9 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 17.

X.   Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10002399-2, from which the undersigned is authorized to draw.

Dated: April 25, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482709885US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.
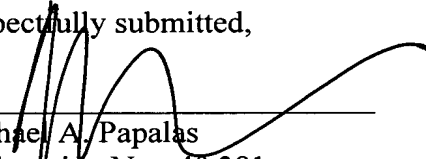
Dated: April 25, 2006

Signature: _Donna Forbit_
                Donna Forbit

Respectfully submitted,

By_____
Michael A. Papalas
Registration No.: 40,381
Attorney for Applicants.

(214) 855-8186